

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WILLIE EDWARD JACKSON, JR., )  
Plaintiff, )  
v. )  
METRO, )  
Defendant. )  
Case No. 4:05-CV-907 JCH

## MEMORANDUM AND ORDER

This matter is before the Court upon the application of Willie Edward Jackson, Jr. for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny him leave to proceed in forma pauperis.

## Financial Affidavit

In his financial affidavit, plaintiff states that (1) he is employed and earns a monthly income of \$2,600.00; (2) in the past 12 months, he has not received "other income"; (3) he has no cash on hand or money in a checking or savings account; (4) he owns a model year 1998 Oldsmobile Intrigue valued at \$2,500.00 ; (5) he lists two dependent children; (6) his debts include a mortgage (\$1,057.00 per month/\$102,000.00 total debt), a monthly payment to the state of Illinois (\$400.00 per month), a balance with the "Dept. Of Education" (58.00 per month/\$500.00 total debt) and the IRS (\$325.00 per month/\$19,000.00 total debt).

## Discussion

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor."

This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250). See 28 U.S.C. § 1914(a).

Therefore,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [Doc. #1] is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall have thirty (30) days from the date of this order to pay the \$250 filing fee.<sup>1</sup>

**IT IS FURTHER ORDERED** that if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 13th day of July, 2005.

/s/ Jean C. Hamilton  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup>The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendant, see Fed. R. Civ. P. 4(c), or requesting the defendant to waive service of summons. See Fed. R. Civ. P. 4(d). Plaintiff is advised that he may seek guidance on serving the defendant from the Office of the Clerk.